REMARKS

Claims 1-30 are in the case. By virtue of a requirement to restrict claims 8, 9, 19-28 and 30 are withdrawn as to a non-elected invention. Claims 1-7, 10-18 and 29 are under consideration.

All claims stand finally rejected under 35 USC § 103 for reasons of record.

Claim Rejections – 35 USC § 103

Claims 1-7, 10-18 and 29 are rejected under 35 USC § 103(a) as being unpatentable over Subramanium et al (US 6113795) (hereinafter "Subramanium") and Templeton et al (Langmur, 1999, 15, pp 66-76) (hereinafter "Templeton") in view of Panek et al (US 4143026) (hereinafter "Panek") and Colman et al (US 6384297) (hereinafter "Colman").

Applicants response to this rejection made in the response filed 1/24/2006 is relevant here and are hereby incorporated by reference.

The Examiner has considered applicants arguments but has found them unpersuasive. Specifically, Applicants have stated that none of the cited references teaches the limitation of fractionation of the claimed particles on the basis of size distribution. The Examiner finds that the cited art indeed teaches this limitation. Applicants respectfully disagree.

The examiner references citations made in the specification in support of her argument (page 2, line 32 [Whetten etal]; page 1, line 22 [Templeton]; page 3, line 2 [Subramaniam]).

As noted in the previous response, the teaching of Whetten et al is relevant to unmodified gold particles, not the stabilized, charged, water-soluble nanoparticles of the invention. The parameters and characteristics of the two types of particles are different and one cannot predict the behavior of one based on the behavior of the other. Templeton teaches the methods of synthesizing water-soluble gold nanoparticles that are stabilized by monolayers of tiopronin or coenzyme A, but provides no suggestion as to how these might be separated into fractions of a narrow size distribution. Templeton, for example does not suggest that such particles would likely be subject to the separation methods of Whetten et al. Also as noted in the previous response the examiner's citation of Subramaniam in the context of the present invention is inappropriate as Subramaniam does not teach nanoparticles at all but the separation of drug molecules and polymers which are non-analogous to the present stabilized, charged, water-soluble nanoparticles.

Applicants submit that the combination of the references cited above do not support a *prima facia* case of obviousness and that the claims are patentable over the cited art.

In the event the Examiner does not find Applicants' arguments persuasive, applicants respectfully request an interview with the examiner prior to the issuance of the next official action.

Respectfully submitted,

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